

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Michelle Quinn and Paul Quinn h/w

(b) County of Residence of First Listed Plaintiff Bucks, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Mitchell S. Clair, 3038 Church Rd., Lafayette Hill, PA 19444
610-940-5400

DEFENDANTS

Pay Pal, Inc., GE Money Bank, Genpact Services LLC,
Nationwide Credit, Inc.

County of Residence of First Listed Defendant San Jose, CA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | |
|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| PTF | DEF | | PTF | DEF |
| <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Citizen of This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Citizen of Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
- Incorporated or Principal Place of Business In This State
- Incorporated and Principal Place of Business In Another State
- Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. Sec. 1692a et. seq.

Brief description of cause:

Fair Debt Collection Practice

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Michelle Quinn and Paul Quinn h/w

CIVIL ACTION

v.


PayPal Inc., et al

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<p><u>9/7/10</u></p> <p>Date</p>	<p><u></u></p> <p>Attorney-at-law</p>	<p><u>Plaintiffs</u></p> <p>Attorney for</p>
<p><u>610-940-5400</u></p> <p>Telephone</p>	<p><u>610-940-0843</u></p> <p>FAX Number</p>	<p><u>mclairlaw@gmail.com</u></p> <p>E-Mail Address</p>

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Michelle Quinn and Paul Quinn, h/w 507 Bassett Ct., Chalfont, PA
 Address of Defendant: PayPal Inc., C/O Legal Dept., 2211 N. First St., San Jose, CA 18914
 Place of Accident, Incident or Transaction: Bucks County, PA 95131 over
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Mitchell S Clair, Esq., counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 9/7/10

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/7/10

Attorney-at-Law

Attorney I.D.#

Quinn v. PayPal, Inc., et al

Defendants (continued)

GE Money Bank
7360 S. Kyrene Rd.
Tempe, AZ 85283
and
Genpact Services LLC.
1251 Avenue of the Americas
Floor 41
New York, NY 10020
and
Nationwide Credit, Inc.
2015 Vaughn Rd NW, Suite 400
Kennesaw, Georgia 30144-7802

- ## COMPLAINT

Parties

3. The plaintiffs in this action are Michelle Quinn and her husband, Paul Quinn who reside at 507 Basset Court, Chalfont, PA 18914.
4. Defendant, PayPal Inc., is a Corporation with legal offices at 2211 N. First St., San Jose, CA 95131
5. Defendant, GE Money Bank, is a Corporation with offices at 7360 S. Kyrene Rd., Tempe, AZ 85283.
6. Defendant, Genpact Services LLC, is a Corporation with offices located at 1251 Avenue of the Americas, Floor 41, New York, New York 10020.
7. Defendant, Nationwide Credit, Inc. is a Corporation with offices located at 2015 Vaughn Rd., NW, Suite 400, Kennesaw, GA 30144-7802.
8. All defendants herein are debt collectors as set forth by the FDCPA, 15 U. S. C. Section 1692a (6).
9. Although the plaintiffs are not liable to defendants or any company or corporation for which defendants collect, the plaintiffs are "consumers" as defined by the FDCPA, 15 U. S. C. Section 1692a (3).

Factual Allegations

10. Plaintiff incorporates paragraphs 1 through 9 herein as set forth above as though fully set forth at length.
11. On or about March 2009, Plaintiff Michelle Quinn was contacted by one or all defendants acting individually, and/or in concert, regarding charges to a PayPal MasterCard issued to a Michelle Henderson of Scranton, Pennsylvania.
12. Plaintiff was formerly known as Michelle Henderson, until she was married in 1995. She has not used that name in over 14 years and never lived in Scranton, Pennsylvania.
13. Shortly after being contacted by one or all of the defendants, plaintiff, Michelle Quinn obtained a copy of her credit report from Experian and disputed the charge.
14. After disputing the charge, it was temporarily removed from her credit report.
15. On or about July 2009, plaintiff, Michelle Quinn, was contacted again by one or all of the defendants, acting individually and/or in concert, regarding this non-existent debt.
16. In response thereto, plaintiff, Michelle Quinn, contacted some or all of the defendants and was requested to provide an affidavit of fraud and forgery, as well as completing a statement regarding the referenced account. A copy of the letter dated July 22, 2009 from the GE fraud investigation unit is attached hereto as exhibit "A". A copy of the affidavit of fraud and forgery is attached hereto as exhibit "B". A copy of the statement signed by Michelle Quinn is attached hereto as exhibit "C".
17. The affidavit and statement were faxed by plaintiff, Michelle Quinn, to the GE fraud unit on July 30, 2009. A copy of the fax transmission report is attached hereto as exhibit "D".
18. The affidavit and statement provide clear information to one or all of the defendants that the account was never issued to plaintiff, Michelle Quinn, that she was in no way associated with the account and any debt owed there on was owed by a different

individual. This information was also communicated by telephone to two different individuals from the GE Money fraud unit, Sheila and Brenda.

19. On or about October 6, 2009, GE Money Bank responded to plaintiff, Michelle Quinn's prior reports, by treating them as a request to have a balance she owes assumed by someone else. A copy of the October 6, 2009 letter from GE Money Bank is attached hereto as exhibit "E".
20. On October 7, 2009, another response came from GE Money Bank, stating, among other things, that she failed to cooperate with the investigation, that she had accepted responsibility for the charges, that she benefited from the use of the card, and that she should have some individual who was unknown to her assume responsibility for payment. The letter further stated that they expected plaintiff's payment as per the terms of the agreement. A copy of the October 7, 2009 letters attached hereto as exhibit "F".
21. On October 16, 2009, plaintiff, Michelle Quinn, sent a letter, via facsimile, to the GE Fraud Investigation Unit and Claims Investigator Casey Howell, in response to the October 7, 2009 letter. Plaintiff's letter once again set forth the fact that she, nor anyone close to her, was not in any way responsible for the balance on the subject credit card. She also asked for specific proof with regard to certain allegations set forth in the October 7, 2009 letter. A copy of the letter and fax transmission report are attached hereto as exhibit "G".
22. The only response plaintiff, Michelle Quinn, received from GE Money Bank to her letter of October 15, 2009, were two letters changing the address on the account to her own.
23. Despite the fact that all defendants had been informed that the subject credit card was not owned, possessed, or used by plaintiff, Michelle Quinn, they continue to send her monthly billing.
24. On or about January 18, 2010, plaintiff, Michelle Quinn, was informed that the account had been referred to defendant, Genpact Services LLC for collection.
25. Despite the fact that defendant, Genpact Services LLC knew or should have known that plaintiff, Michelle Quinn, did not owe the outstanding balance to PayPal, and/or any other defendants, acting solely and/or in concert, continue to make harassing and excessively voluminous numbers of phone calls to both the home and employment of plaintiff, Michelle Quinn.
26. The defendants individually, and/or in concert, made in excess of 200 phone calls to plaintiff's residence. Between November 12, 2009 and February 10, 2010.
27. The defendants continue to make harassing and excessively voluminous phone calls to the plaintiff's residence to the present day.

COUNT I

Fair Debt Collection Practices Act

28. Plaintiffs incorporate paragraphs 1 through 27 herein as though fully set forth at length.

29. In demanding a sum that was not due, claiming late fees and finance charges would increase the debt, defendants violated 15 U. S. C. 1692e (2).
30. In contacting plaintiff, Michelle Quinn, after she twice advised in writing that the alleged debt was not hers, and that she would not pay it, defendants violated 15 U. S. C. 1692c.
31. In acting towards plaintiff, Michelle Quinn, and her family in harassing, abusive and/or oppressive ways, defendants violated 15. U. S. C. 1692d.
32. By causing plaintiff's phone to ring repeatedly for the purposes of her resting or annoying tendency violated 15 U. S. C. Section 1692d (4).
33. By attempting to collect a debt not owed by the plaintiff, by pretending to conduct an investigation as to whether or not she owed the debt, by using the information obtained from the plaintiff in their alleged investigation to transfer the debt to the plaintiff, the defendants individually and/or in concert have acted unconscionably and violated 15 U. S. C. 1692f.
34. By attempting to collect a debt from plaintiff, Michelle Quinn, when there was no agreement creating the debt or permitted by law, defendants violated 15 U. S. C. 1692f(1).
35. As a result of the defendants' actions, individually and/or in concert, plaintiffs were, and continue to be, terrorized, lose sleep, experienced a disruption in marital harmony, and were physically affected to the point of feeling unwell.
36. Defendants individually, and/or in concert, have acted maliciously, recklessly, with an indifference to the facts, and with a reckless disregard to the rights of the plaintiffs.
37. As a result of the violations of the FDCPA, the defendants are liable to plaintiffs for actual damages statute, statutory damages, punitive damages and costs and attorneys fees.

Count II.

Fair Credit Extension Uniformity Act

38. Plaintiffs incorporate paragraphs 1 through 36 above, as though fully set forth at length herein.
39. Defendants individually, and/or acting in concert, violated the Pennsylvania Fair Credit Extension Uniformity Act, 73 P.S. section 2270 et seq. ("FCEUA").
40. The defendants violated 73 P.S. Section 2270.4(a) by violating the FDCPA.
41. The defendants violated FCEUA by acting intentionally, and with the purpose of coercing plaintiffs to pay a debt they knew, or should have known, the plaintiff did not owe.
42. The defendants violated FCEUA by causing the telephone to ring with the intent to annoy, harass, and/or oppress the plaintiffs.
43. As a result of the above violations of the FCEUA, the defendants are liable to the plaintiff for actual damages, statutory damages, punitive damages, attorney's fees and costs.

Count III.

Unfair Trade Practices, and Consumer Protection Law.

- 44. Plaintiffs incorporate paragraphs 1 through 42 above as though fully set forth at length herein.
- 45. Defendants individually, and/or acting in concert, violated the Pennsylvania unfair trade practices and consumer protection law, 73 P.S. section 201-1 et seq. ("UTPCPL").
- 46. The defendants violated section 201-2 (4) of the UTPCPL by engaging in deceptive acts or practices toward the plaintiffs by harassing and coercing them to pay a debt the defendants knew or should have known was not the responsibility of the plaintiffs.
- 47. As a result of their violations of the UTPCPL, the defendants are liable to plaintiffs for actual damages, statutory damages, punitive damages, attorney's fees and costs.

Count IV.

Intentional Infliction of Emotional Distress.

- 48. Plaintiffs incorporate paragraphs 1 through 46 above as though fully set forth at length herein.
- 49. Defendants individually, and/or acting in concert, with actual knowledge, and therefore intent and/or with recklessness as to the truth that plaintiff, Michelle Quinn, did not owe the debt, they were attempting to collect, and yet continued to harass and coerce the plaintiffs into paying the debt.
- 50. The conduct of the defendants individually, and/or acting in concert is extreme and outrageous and beyond all possible bounds of decency.
- 51. As a result of the conduct of the defendants, plaintiff, Michelle Quinn, suffered severe mental and/or emotional distress.
- 52. As a result of the conduct of the defendants, they are liable to plaintiffs for actual damages and punitive damages.

Count V.

Invasion of Privacy and Intrusion of Seclusion.

- 53. Plaintiffs incorporate paragraphs 1 through 51 above as though fully set forth at length herein.
- 54. The actions and conduct of the defendants individually and/or acting in concert constituted an intentional intrusion into the seclusion and an invasion of the privacy of plaintiffs' lives and private affairs.
- 55. The actions of the defendants invading the privacy and intruding upon the seclusion of the plaintiffs is highly offensive.
- 56. As a result of the conduct of the defendants, plaintiffs suffered severe mental and/or emotional distress.
- 57. As a result of the conduct of the defendants, they are liable to plaintiffs for actual damages and punitive damages.

Count VI.

Fair Credit Reporting Act

- 58. Plaintiffs incorporate paragraphs 1 through 56 above, as though fully set forth at length herein.
- 59. Defendants inaccurately reported to various credit bureaus that plaintiff, Michelle Quinn, owed them a debt.
- 60. Plaintiff, Michelle Quinn, disputed the debt to the credit bureaus, and to defendants.
- 61. Defendants, individually, and/or acting in concert, failed to conduct a reasonable investigation as to the alleged debt.
- 62. Defendants are liable pursuant to section 1692e(8) of the Fair Credit Reporting Act to the plaintiffs for actual and punitive damages related thereto.

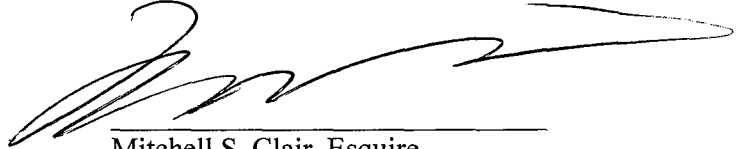
Count VII.

Loss of Consortium.

- 63. Plaintiffs incorporate paragraphs 1 through 61 above as though fully set forth at length herein.
- 64. At all times relevant and material hereto, plaintiff, Paul Quinn, was married to plaintiff, Michelle Quinn.
- 65. Plaintiff, Paul Quinn, has suffered damages and may continue to suffer damages in the future as result of the actions of the defendants has set forth herein above.
- 66. As result of the aforesaid actions of defendants, plaintiff, Paul Quinn, to his great detriment and loss has been deprived of the society, companionship, services and assistance of his wife, plaintiff, Michelle Quinn, to which he is legally entitled.

WHEREFORE, plaintiffs demand judgment in all amounts to which they are legally entitled, as set forth above, in an amount in excess of \$150,000.

Law Offices of Mitchell Clair

A handwritten signature in black ink, appearing to read 'Mitchell S. Clair', is written over a horizontal line.

Mitchell S. Clair, Esquire
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF PHILADELPHIA : SS
:

VERIFICATION

I, Michelle Quinn, hereby state that I am the plaintiff in this complaint and verify that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information and belief. I understand that the statements therein are made subject to the penalties of 18 PA. C.S.A. 4904 relating to unsworn falsification to authorities.

Date:



MICHELLE QUINN

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF PHILADELPHIA : SS
:

VERIFICATION

I, Paul Quinn, hereby state that I am the plaintiff in this complaint and verify that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information and belief. I understand that the statements therein are made subject to the penalties of 18 PA. C.S.A. 4904 relating to unsworn falsification to authorities.

Date:



PAUL QUINN

GE Money

DATE: 07/22/2009

MICHELLE QUINN
507 BASSETT COURT
SHALSONT, PA 18504

ACCOUNT: 5218-5310-0880-4974 previously known as 5218-5346-5880-4971

Dear MICHELLE QUINN,

Thank you for notifying us regarding the unauthorized opening or use of the account referenced above. We assure you that we will do everything possible to resolve this problem with as little inconvenience to you as possible. We value you as a customer and are committed to providing you with the highest level of service.

We have enclosed an Affidavit of Fraud and Forgery form. Please return the completed form to the fax number listed below or in the self-addressed postage-paid envelope within 10 days of receiving this letter. Failure to return this form within 10 business days may contribute to this claim ultimately being denied.

When we receive your Affidavit of Fraud and Forgery form, we will immediately open up a case to process your claim. Once the case is concluded, we will take the following actions if deemed appropriate:

All confirmed fraud transactions will be removed from the account, and any related finance charges and fees will be adjusted accordingly.

All credit bureau updates reflecting the accurate account status will be performed.

We will be in contact with you if additional information or documentation is required during the course of the investigation.

Please note: A GE Money card fraud investigation can take up to 90 days. You will be notified by mail within 7 to 10 days of the case closure.

Please note: California residents who are victims of identity theft may have the right to contact Consumer Reporting Agencies to request a permanent block on the reporting of any information that the victim believes appears in his or her credit report as a result of the theft of personal identifying information.

Sincerely,

GE Fraud Investigation Unit
PO Box 981749
El Paso, TX 79998-9971

FAX NUMBER - 866-650-3875

EXHIBIT "A"

07/22/2009

AFFIDAVIT OF FRAUD AND FORGERY



0031200919500599001

TYPE OF CARD: MasterCard NO.: 5218-5310-0880-4974 previously known as 5218-5346-5880-4971

ISSUER: Paypal MasterCard

CHALFONT

I, MICHELLE QUINN residing at 507 BASSETT COURT, CHALFONT in the county of Bucks, state of PA, herein declare that:

My Credit Card described above was:

1. _____ lost/stolen;
2. _____ never received in the mail;
3. _____ account number used - credit card(s) still in possession;
4. ☒ never applied for card

I have not authorized anyone else, orally or in writing, nor have I given consent to anyone else nor do I have knowledge of implied consent for anyone else to use or have possession of said Credit Card/Account Number. Neither I nor anyone I have authorized has received and/or will not, receive goods, services, or otherwise benefit, directly or indirectly, from the fraudulent transactions listed below.

I believe that sales drafts, ATM transactions, telephone/mail orders, or applications bearing my purported signature, or the purported signature of person(s) authorized to use my Credit Card/Account Number for the transaction(s) listed below, are and will be forgeries.

I further agree that any information relating to the unauthorized use of this account may be provided to any investigative or prosecutorial agency including local, state or federal law enforcement. I have examined the following list of transactions Merchant Sale(s), Cash Advance(s), Cash Machine Advance(s), Statement Charge(s).

If there are additional fraudulent transaction(s), which have not been identified below, please add them to the comment section of this affidavit or attach additional pages as needed.

NOTICE: An Affidavit of Fraud and Forgery form is requested from all consumers who believe they have been a victim of fraud. A failure to return a completed, signed affidavit of fraud may result in significant delays in investigating and resolving your claim or may contribute to this claim ultimately being denied. Please return your completed, signed affidavit within 10 business days.

(Please initial all transaction(s) not authorized by you)

Transactions

Initials	Date	Amount	Merchant Information
	11/22/2008	3186.19	GE MONEY

The above-identified transaction(s) were not made by me or by anyone acting upon my authority or with my consent or knowledge

☒ I have no knowledge of the identity or whereabouts of the person(s) using the Credit Card. Address below appeared on my credit report for this credit card.
☐ I can identify the suspect as:

Name: _____ Social Security Number: _____

Address: 1010 Snyder Avenue

City/State/Zip: Scranton, PA Phone: _____

EXHIBIT "B"

EXHIBIT "C"

Primary cardholder/ victim's signature:

Michelle A. Quinn

Secondary cardholder's signature: _____

Business Phone:

215 963 4071

Home Phone:

215 918-1766

WARNING: MAKING A FALSE STATEMENT ON THIS FORM IN AN ATTEMPT TO DEFRAUD GE MONEY IS A VIOLATION OF FEDERAL LAW (18 U.S.C. 1344(A)) PUNISHABLE BY FINES UP TO \$1,000,000, IMPRISONMENT FOR UP TO 30 YEARS OR BOTH.

Please describe how you became aware of this account, as well as other facts, which may be useful in our investigation (continue additional information on the back):

I became aware of this account when I received a telephone call from a Collection Agency. When I requested a copy of my credit report from Experian I noticed that this account was tied to an address in Scranton Pennsylvania. I have never lived in Scranton nor do I know anyone who does. I disputed the item with all three Credit bureaus and they removed from my credit report. I continued to get phone calls from Collection agency who directed me to the Fraud Dept. Another important piece of information is that the individual who opened this account in my name used a birthdate of 1944. I was born in 1967. Additionally my maiden

name was used. I have not used that for

14 yrs.

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO. 4228
 RECIPIENT ADDRESS 18666503875
 DESTINATION ID
 ST. TIME 07/30 19:40
 TIME USE 01'06
 PAGES SENT 3
 RESULT OK

07/22/2009

AFFIDAVIT OF FRAUD AND FORGERY



0031200919500599001

TYPE OF CARD: MasterCard NO.: 5218-5310-0880-4974 previously known as 5218-5346-5880-4971

ISSUER: Paypal MasterCard

CHALFONT

I, MICHELLE QUINN residing at 507 BASSETT COURT, CHALFONT in the county of Bucks, state of PA, herein declare that:

My Credit Card described above was:

1. _____ lost/stolen;
2. _____ never received in the mail;
3. _____ account number used - credit card(s) still in possession;
4. ☒ never applied for card

I have not authorized anyone else, orally or in writing, nor have I given consent to anyone else nor do I have knowledge of implied consent for anyone else to use or have possession of said Credit Card/Account Number. Neither I nor anyone I have authorized has received and/or will not, receive goods, services, or otherwise benefit, directly or indirectly, from the fraudulent transactions listed below.

I believe that sales drafts, ATM transactions, telephone/mail orders, or applications bearing my purported signature or the purported signature of person(s) authorized to use my Credit Card/Account Number for the transaction(s) listed below, are and will be forgeries.

I further agree that any information relating to the unauthorized use of this account may be provided to any investigative or prosecutorial agency including local, state or federal law enforcement. I have examined the following list of transactions: Merchant Sale(s), Cash Advance(s), Cash Machine Advance(s), Statement Charge(s).

If there are additional fraudulent transaction(s), which have not been identified below, please add them to the comment section of this affidavit or attach additional pages as needed.

NOTICE: An Affidavit of Fraud and Forgery form is requested from all consumers who believe they have been a victim of fraud. A failure to return a completed, signed affidavit of fraud may result in significant delays in investigating and resolving your claim or may contribute to this claim ultimately being denied. Please return your completed, signed affidavit within 10 business days.

(Please initial all transaction(s) not authorized by you)

Transactions

EXHIBIT "D"

Initials	Date	Amount	Merchant Information
	11/22/2008	3186.19	GE MONEY

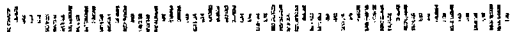
The above-identified transaction(s) were not made by me or by anyone acting upon my authority or with my consent or knowledge

Added below

GE MONEY BANK
PO BOX 981064
EL PASO, TX 79998-1064

October 6, 2009

MICHELLE QUINN
507 BASSETT COURT
SHALSONT PA 18504



Account Number Ending in 4974

Dear Michelle Quinn,

This letter acknowledges your request to have your PayPal® Plus Credit Card account/balance referenced above assumed by another party. Please have the person wishing to assume the PayPal Plus Credit Card account/balance complete the section below and return it in the enclosed envelope. Upon receipt, we will process your request.

ASSUMPTION OF ACCOUNT/BALANCE

Person | _____
Assuming | (Name)
Account/ | _____
Balance | (Address)
| _____
() Phone # Social Security #

Account/ | Account: 5218531008804974
Balance | Balance: \$3186.19
to be | Quinn, Michelle
Assumed | 507 Bassett Court
Shalsont Pa 18504

I, _____ do hereby agree to accept full responsibility for payment in the amount of \$ _____ presently being carried on the account number in the name referenced above as the "Account/Balance to be Assumed". I acknowledge that I have received a copy of the cardmember agreement and agree to it's terms. My acceptance of said balance is not contingent upon nor shall it be changed, affected or cancelled in any way due to the condition of any merchandise represented as a part of this balance or the disposition of any such merchandise except to the extent that such merchandise is repossessed and/or resold.

Signed: _____ Date: _____

Sincerely,

Fraud Specialist
1-877-969-1126

Account is owned by GE MONEY BANK - Member FDIC

EXHIBIT "E"

October 7, 2009

MICHELLE QUINN
507 BASSETT COURT
SHALSONT PA 18504



Account Number Ending In: 4974

Dear Michelle Quinn,

This correspondence is regarding the PayPal® Plus Credit Card account referenced above. We have concluded our investigation of your concern regarding the above referenced account. We are unable to accept your claim that the disputed charges on the account were unauthorized for the following reasons:

- Customer failed to cooperate with reasonable investigation
- Signature on media is consistent with Questionnaire of Fraud /Media/Application
- Signature on media is consistent with signature of Primary/Joint or authorized user (copy of media enclosed)
- Customer accepts responsibility for the charges
- Account opened greater than 1 year with verifiable payment history. (TNF only)
- Customer benefited from use of card
- Purchases made by authorized employees or user.

Other: please file charges against marilyn scaramuzzo/henderson or have her fill out the assumption paperwork being sent

At this time, we will expect payment on your account per the terms of the agreement.

Should you have any further questions, please do not hesitate to contact our office. You are a valued PayPal Plus Credit Card customer and we are committed to providing you with the highest level of service.

Please note: California residents who are victims of identity theft, may have the right to contact Consumer Reporting Agencies to request a permanent block on the reporting of any information that the victim believes appears in his or her credit report as a result of the theft of personal identifying information.

Sincerely,

Fraud Department
1-877-969-1126

866720-3170

Julie
10/22/09
Spoke and provided
Police report and
Case #10

Account is owned by GE MONEY BANK - Member FDIC

EXHIBIT "F"

GE Fraud Investigation Unit
P.O. Box 981749
El Paso, Texas 79998-9971
Attn: Casey Howell
Claim Investigator

Re: PayPal Plus Credit Card Account Ending 4974

Dear Ms. Howell:

I am writing this letter in response to the attached letter I received dated October 7, 2009 wherein GE Money has denied my claim that the disputed charges on the above referenced account were unauthorized.

This issue was first brought to my attention back in March 2009. After many phone conversations I was finally put in touch with the Fraud Department of GE Money. In July, I completed the Affidavit and returned it to GE Money via facsimile providing information relative to the above. I have attached a copy for your convenience. I will again reiterate what I know about this account.

This account was fraudulently opened utilizing my name and personal information by a woman named Marilyn Scaramuzzo/Henderson who resides at 1010 Synder Avenue in Scranton, Pennsylvania. It was conveyed to me that she utilized a date of birth that was not mine with a birth year of 1944. My birth year is 1967. This information was provided to me by GE Money during a phone conversation with a representative from your Fraud Department, named Sheila. I do not know the individual named Marilyn Scaramuzzo/Henderson. She is NOT a relation of mine. No relation of mine has ever resided in Scranton, Pennsylvania nor have I ever resided in Scranton, Pennsylvania. During a phone call today, October 16, 2009 with Brenda, a representative of GE Money's Fraud Department she indicated that there were notes on the file that this woman potentially was my mother. My mother died on June 26, 1985. Additionally, this account was opened utilizing the name Henderson which is my maiden name and a name that I have not used for 15 years.

EXHIBIT "G"

TRANSMISSION OK

TX/RX NO 4825
RECIPIENT ADDRESS 18666503875
DESTINATION ID 10/15 28:42
ST. TIME 02:29
TIME USE 7
PAGES SENT OK
RESULT

*** TX REPORT ***
